

Kerala Gazette No. 45 dated 11th November 2008.

PART II



SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 5360/Legn. 2/2008/Leg.

Dated, Thiruvananthapuram, 11th November 2008.

The Kerala Handloom Workers' Welfare Fund (Amendment) Bill, 2008 together with the Statement of Object and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Dr. N. K. JAYAKUMAR,
Secretary,
Legislative Assembly.

**Twelfth Kerala Legislative Assembly
Bill No. 225**

[Translation in English of “2008-ലെ കേരള കൈത്തറി ടോഴിലാളി ക്ഷേമനിധി (ഭേദഗതി) ബിൽ” published under the authority of the Governor.]

**THE KERALA HANDLOOM WORKERS’ WELFARE FUND
(AMENDMENT) BILL, 2008**

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further to amend the Kerala Handloom Workers’ Welfare Fund Act, 1989.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Handloom Workers’, Welfare Fund Act, 1989 for the purposes hereinafter appearing;

BE it enacted in the Fifty-ninth Year of the Republic of India as follows:—

1. *Short title and commencement.—(1) This Act may be called the Kerala Handloom Workers’ Welfare Fund (Amendment) Act, 2008.*

(2) It shall be deemed to have come into force from the 16th day of January, 2008.

2. *Amendment of section 3.—In the Kerala Handloom Workers’ Welfare Fund Act, 1989 (2 of 1989), (hereinafter referred to as the principal Act), in clause (a) of sub-section (4) of section 3,—*

(1) in sub-clause (i), for the words, “sixty years” the words, “fifty eight years” shall be substituted;

(2) in sub-clause (ii), for the words, “sixty years” the words, “fifty eight years” shall be substituted.

3. *Amendment of section 5.—In sub-section (1) of section 5 of the principal Act, after the word, “Scheme” the words, “either prospectively or retrospectively” shall be inserted.*

4. *Special provision for giving pension to the handloom workers’ who happened to be retired at the age of 58 years.—Notwithstanding anything contained in the principal Act, handloom workers’ who happened to be retired at the age of 58 years by any reasons, shall have eligibility for pension, but they have no eligibility for pension arrears.*

5. *Repeal and saving.*—(1) The Kerala Handloom Workers' Welfare Fund (Amendment) Ordinance, 2008 (24 of 2008) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

As per clause (a) of sub-section (4) of section 3 of the Kerala Handloom Workers' Welfare Fund Act, 1989, it is provided for the payment of pension to the members of the Welfare Fund on the completion of the age of 60 years. But due to the bye-laws applicable to certain handloom establishments there are persons who have to retire from employment at the age of 58 years. Government have decided to amend the Act so as to enable the members of the Handloom Workers' Welfare Fund to get pension on the completion of the age of 58 years, because majority of the handloom employees have to retire at the age of 58 years from employment, and it is not justifiable that those persons who retire at the age of 58 years have to wait till they attain the age of 60 years for getting pension. Further it is also decided to amend the Act empowering the Government to amend the Kerala Handloom Workers' Welfare Fund Scheme either retrospectively or prospectively.

2. Though the Kerala Handloom Workers' Welfare Fund (Amendment) Bill, 2007 containing the above said proposals was published as Bill No. 104 of the Twelfth Kerala Legislative Assembly, the same could not be introduced in the Legislative Assembly. As the Legislative Assembly of State of Kerala was not in session and the above said proposals have to be given effect to immediately, the Kerala Handloom Workers' Welfare Fund (Amendment) Ordinance, 2008 (3 of 2008) was promulgated by the Governor of Kerala on the 15th day of January, 2008 and the same was published in the Kerala Gazette Extraordinary No. 136 dated the 16th day of January, 2008.

3. Though a Bill to replace the said Ordinance by an Act of the Legislature was published as Bill No. 158 of the Twelfth Kerala Legislative Assembly during its session which commenced on the 20th day of February, 2008 and ended on the 19th day of March, 2008, the same could not be introduced in and passed by the Kerala Legislative Assembly and in order to keep alive the provisions of the said Ordinance and for including a special provision also for giving pension, excluding arrears, to the handloom workers who happened to be retired at the age of 58 years by any reason, the Kerala Handloom Workers' Welfare Fund (Amendment) Ordinance, 2008 (6 of 2008) was promulgated by the Governor of Kerala on the 1st day of April, 2008 and the same was published in the Kerala Gazette Extraordinary No. 658 dated the 1st day of April, 2008.

4. Though a Bill to replace the said Ordinance by an Act of the Legislature was published as Bill No.190 of the Twelfth Kerala Legislative Assembly during its session which commenced on the 23rd day of June, 2008 and ended on the 24th day of July, 2008, the same could not be introduced in and passed by the Kerala Legislative Assembly and in order to keep alive the provisions of the said Ordinance, the Kerala Handloom Workers' Welfare Fund (Amendment) Ordinance, 2008 (24 of 2008) was promulgated by the Governor of Kerala on the 1st day of August, 2008 and the same was published in the Kerala Gazette Extraordinary No. 1677 dated the 2nd day of August, 2008.

5. The Bill seeks to replace Ordinance No. 24 of 2008 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

Since the payment of welfare fund pension is from the Kerala Handloom Workers' Welfare Fund Board the Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

P. K. GURUDASAN.

(True Translation)
